

not correspond to the presently elected invention. In this sense, it would appear that the instant claims would be withdrawn from consideration by the Examiner under 37 CFR 1.142(b). Entry of the amendments is requested so that applicants' right to file a divisional application can be perfected.

In regard to applicants' request for institution of an interference with U.S. Pat. No. 5,254,580, (Chen et al.), the newly presented claims are urged to be patentably distinct from the claims which could be involved in the interference and these new claims do not correspond to the proposed counts of the proposed interference. Additionally, the newly presented claims would not be patentable to Chen et al. Chen et al. do not disclose the intermediates of the newly presented claims and Chen et al. do not teach a process of making the present intermediates. Furthermore, Chen et al. do not disclose a process of preparing cyclopropane containing compounds in the manner recited in the newly presented claims.

Entry of the new claims and an acknowledgment by the Examiner of applicants §121 rights to file a divisional application is respectfully requested.

No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4503.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition

for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503.

A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Early and favorable action by the Examiner is earnestly solicited.

Respectfully submitted,

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Date

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